

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

K.L., by and through her next friend,)
JIM LADLIE,)
)
 Plaintiff,)
)
 vs.) Complaint No: 4:15-CV-00679
)
 MISSOURI STATE HIGH SCHOOL)
 ACTIVITIES ASSOCIATION, BOARD)
 OF DIRECTORS,)
)
 Defendant.)

PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff K.L., by and though her next friend, Jim Ladlie, respectfully moves for a temporary restraining order, pursuant to Fed. R. Civ. P. 65(b), and states as follows:

1. Plaintiff incorporates and restates the facts alleged in the Verified Complaint.
2. Plaintiff, an above-the-knee amputee, is a junior at Troy-Buchanan High School (“Troy”) in Troy, Missouri, and a para-athlete on the Troy track and field team.
3. Defendant has refused to modify its track and field program to allow Plaintiff to compete as a full member of her team, violating Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, *et seq.*, and the Americans with Disabilities Act, 42 U.S.C. § 12102, *et seq.*
4. Under the current track and field guidelines enacted by Defendant, Plaintiff is not guaranteed the opportunity to participate in regular season meets; opposing teams must consent to Plaintiff’s participation. Additionally, Plaintiff is foreclosed from earning points for her team and competing at district and state meets.

5. Defendant's track and field guidelines irreparably and immediately harm Plaintiff by positioning her as a subclass member of her track and field team and curtailing her ability to vie for athletic scholarships.
6. Notice should not be required. In a demand letter, dated February 27, 2015, Plaintiff asked Defendant to approve Plaintiff's request for modifications and asserted that Plaintiff would otherwise file a civil complaint and seek relief from this Court on a motion for a preliminary injunction. The demand letter, and its accompanying attachments, is incorporated herein as Exhibit 1, with Plaintiff's name redacted.
7. Defendant has refused to modify its program more recently in Defendant's response to Plaintiff's demand letter, dated March 13, 2015. Defendant's letter is incorporated herein as Exhibit 2, with Plaintiff's name redacted.
8. Plaintiff's follow-up letter to Defendant, dated April 2015, cited the statutory and regulatory authority governing Plaintiff's request for modifications and accepted Defendant's invitation to Defendant's upcoming board meeting. Plaintiff's follow-up letter is incorporated herein as Exhibit 3, with Plaintiff's name redacted.
9. Finally, upon Plaintiff's oral presentation at Defendant's April 10, 2015, board meeting, Defendant reaffirmed that it would not grant Plaintiff's request for modifications during Plaintiff's high school matriculation.
10. Without this Court's grant of Plaintiff's Motion, Plaintiff will continue to suffer harm until Defendant can be heard in opposition. The 2015 track and field season is well underway, and district competitions begin on May 16, 2015.

11. Without immediate relief from this Court, Plaintiff cannot participate in and compete in the upcoming district competition and any further state championship level meets.

WHEREFORE, for good cause shown, Plaintiff respectfully requests that this Court grant a temporary restraining order; directing Defendant to allow Plaintiff to compete at the upcoming district meet(s) and any further state championship level meets for which she qualifies, and ordering Defendant to cease its conduct and policies that keep Plaintiff from competing with non-disabled athletes on an equal basis.

Respectfully submitted,

/s/ Susan K. Eckles

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served to MSHSAA Board of Directors, by certified U.S. mail, first class, return receipt, on this 28th day of April, 2015.

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/s/ Susan K. Eckles
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